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March 29, 2024

By ECF

The Honorable Margo K. Brodie
Chief Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *In re Payment Card Interchange Fee & Merchant Discount*
Antitrust Litig., 05-md-1720 (MKB)(JAM)

Dear Judge Brodie:

Our clients, the Target group of plaintiffs, the 7-Eleven group of plaintiffs, and the Grubhub group of plaintiffs (the "Direct Action Plaintiffs"), would like to be heard on the Motion of the Equitable Relief Class Plaintiffs for Preliminary Approval of Settlement [ECF 9179] filed on March 26, 2024. As the Court knows, the Direct Action Plaintiffs were included as class members in the Equitable Relief Class pursuant to the Court's Memorandum and Order dated September 27, 2021 [ECF 8647]. On March 27, 2024, we sought agreement from Class Counsel and the settling Defendants to this schedule. In response, on March 28, the Equitable Relief Class asked to meet and confer regarding our objections to the settlement. While we have no objection to meeting and conferring with the Equitable Relief Class, such a process should not delay setting a prompt briefing schedule on their motion. The Equitable Relief Class does not agree with the proposed briefing schedule. Defendants have not expressed their position on this request.

The filings by the Equitable Relief Class Plaintiffs asked the Court to enter a proposed notice and scheduling order that could potentially impact the Direct Action Plaintiffs' cases, but did not propose a briefing schedule. The Direct Action Plaintiffs propose that the Court order the following:

Direct Action Plaintiffs' Oppositions: April 26, 2024

Replies: May 13, 2024

As class members, the Direct Action Plaintiffs' request to appear and be heard at the oral hearing that has been requested on the Motion for Preliminary Approval of Settlement should not be in dispute under Federal Rule of Civil Procedure 23(e). Accordingly, we ask the Court to set the above briefing schedule so that the Court and parties can move expeditiously toward considering whether the proposed settlement should receive preliminary approval on the terms proposed by the class.

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Respectfully submitted,

/s Jeffrey I. Shinder

/s Kathy Patrick

/s James Wilson

Jeffrey I. Shinder

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cc: Counsel of Record (via ECF)